THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 2077 of 2006

Dated: 24-02-2006

Between:

Mohd.Yoasuffuddin

..... PETITIONER

AND

The Chairman and Managing Director,

CPDC of A.P.Ltd., Hyderabad (A.P.Transco)

and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2077 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the provisional assessment notice dated 21-12-2005 made by the third respondent-Assistant Divisional Engineer Operation, Hyderabad is arbitrary and illegal and in violation of the Electricity Act, 2003 (for short 'the Act').

A perusal of the impugned notice shows that the service connection of the petitioner was inspected on 17-12-2005 and having found certain irregularities it was, *prima facie,* opined that the petitioner was guilty of pilferage and accordingly the petitioner was informed that the value of the energy pilfered was provisionally estimated at Rs.77,178/- and if he is desirous of obtaining restoration of power supply, pending enquiry, he shall pay Rs.38,539/- being half of the said amount plus reconnection charges. The said order is under challenge in this writ petition contending that Section 126 of the Act does not empower the respondents to discontinue or disconnect the electricity supply or call upon the petitioner to pay even part of the provisional assessment till final assessment is made.

When the matter is taken up for consideration, it is represented by both the parties that an identical question has been considered by a Division Bench of this Court in W.A.Nos.452 and 477 of 2004 by Judgment dated 11-03-2004, holding that the respondents can take further steps only on the basis of the final assessment, allowed the appeals. It is not in dispute that the issue involved in this case is squarely covered by the decision of the Division Bench.

Accordingly, following the Division Bench Judgment, dated 11-03-2004, the writ petition is disposed of with a direction to the respondents to pass final orders after affording opportunity of being heard to the petitioner. Till such time, electricity supply to the premises in question shall not be disconnected and no coercive steps shall be taken for recovery of the amount assessed under the impugned notice dated 21-12-2005. No costs.

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G.ROHINI,J

Dated:24-02-2006

Note: Issue C.C. by 27-02-2006.

B/o

Klp